

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHRISTOPHER P. RICCIARDI,	:	CIVIL ACTION NO. 1:17-CV-719
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
LT. SHUMENCKY, <i>et al.</i>,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 29th day of May, 2019, upon consideration of plaintiff's motion (Doc. 31) for relief from judgment pursuant to Rule 60(b), wherein he contends that the court's judgment was obtained by the fraud and misrepresentation of defendants, and the court noting that under Rule 60(b)(3) relief from final judgment is provided where there has been "fraud . . . , misrepresentation, or other misconduct by an opposing party," FED. R. CIV. P. 60(b)(3), and "[i]n order to sustain the burden of proving fraud and misrepresentation under Rule 60(b)(3), the evidence must be clear and convincing," Brown v. Pa. R.R. Co., 282 F.2d 522, 527 (3d Cir. 1960), and it being evident that plaintiff has in no way established that defendants have committed such fraud or misrepresentation upon the court, and has presented no evidence in support of his allegations of fraud and misrepresentation beyond his own conclusory statements and speculation, it is hereby ORDERED that the motion (Doc. 31) for relief from judgment is DENIED.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania